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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1350th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 25 July 1994, at 3 p.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the covenant (continued)

Special report of Burundi (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Special report of Burundi (CCPR/C/98) (continued)

1. At the invitation of the Chairman, the delegation of Burundi took seats at the Committee's table.

2. The CHAIRMAN invited the delegation of Burundi to reply to the questions asked orally by members of the Committee at the previous meeting.

3. Mr. MAKENGA (Burundi) began by thanking all members of the Committee for the concern they had shown in learning about actual conditions in Burundi and in finding ways of helping to normalize the situation from the human rights standpoint. In view of the very short notice of the Committee's questions, it might not be possible for his delegation to reply to all of them immediately. His delegation had nevertheless taken note of all the questions asked and additional replies would be provided after consultation with the competent authorities.

4. Members of the Committee had considered the special report (CCPR/C/98) too brief. He assured the Committee that that should not be seen as a mark of negligence on the part of the Burundi authorities, which had simply been under the impression that the special report should be limited to a number of specific questions.

5. With regard to the question of daily life in Burundi from the standpoint of human rights and political life in general, he said that the current situation was quite different from that which had prevailed in the months following the assassination of the Head of State, Mr. Ndadaye and several of his aides on 21 October 1993. At that time, government institutions had been paralysed. At present, the Government was functioning despite the many difficulties which it faced, and was endeavouring to overcome the effects of the crisis which had begun on 21 October 1993. A parliament was now in place and the judicial institutions were fully operational. However, a number of problems inherent in Burundian society which ought to have been solved under the regime administration which took office following the elections of June 1993 had not been dealt with, as the regime had lost its leaders. Burundi had now returned to the situation prevailing before 10 July 1993, namely, one of conflict between Hutus and Tutsis, and an army composed mainly of members of the Tutsi minority, so that the ethnic majority saw itself as victimized. One member of the Committee had drawn a parallel between the situation in South Africa and the situation prevailing in Burundi. In that regard, he pointed out that unlike what was happening in Burundi, the ruling minority in South Africa had recognized that it was powerless to control the situation. The Burundi authorities were nevertheless making a major effort to establish equality throughout the country. However, the well-off were fighting to preserve their privileges, while the others were struggling for their share. The Government was endeavouring to ensure that the necessary changes were introduced gradually, but the means at its disposal were very limited and help from the international community was sorely needed. The

Government would like to have representatives of the international community present in the country, not only in Bujumbura, but in the provinces as well.

6. He assured the Committee that the Government had taken up the question of power sharing. The Head of State who had succeeded Mr. Ndadaye, Mr. Ntaryamira, had attempted to set up a Government of national unity comprising representatives of various political parties, including the main opposition party; a representative of that party had even been appointed Prime Minister. That Government had also lost its leadership. The current Burundi Government was made up of representatives of 9 of the country's 12 political parties. The authorities were clearly anxious to involve as many parties as possible, including opposition parties, in power-sharing.

7. Those efforts were unfortunately encountering some resistance, particularly from the armed forces and the judiciary, most of whose members belonged to the Tutsi minority. The ethnic conflict was also responsible for a certain amount of foot-dragging in the investigations that had been opened. The Government had been accused of fostering impunity. He assured the Committee that such was not the case and that, as soon as it was able to function normally, the Government had set up a national commission of inquiry. After the competence of some of its members had been called into question, the commission had been replaced by another body, which had also been unable to function. At present, a commission set up by the late President Ntaryamira consisting of three Tutsi senior magistrates was responsible for investigating the circumstances surrounding the assassination of President Ndadaye. At the same time, the Government Procurator had set up regional commissions in all provinces to investigate the massacres committed after President Ndadaye's assassination. However, all those commissions were regarded by the population as representing Tutsi interests. The Government was nevertheless still anxious to ensure that they could perform their functions to the entire satisfaction of the Burundi people. Accordingly, it hoped that they would receive external support and that individuals not connected with the situation in Burundi would be able to follow the investigation proceedings. That would win the trust of the population. The Government might make an official request to that effect in the near future.

8. Replying to a question on the Burundi army, he said that, its determination to do so notwithstanding, the Government could not deal with the army problem without outside assistance. He recalled that, when the crisis had first arisen, the Government had called for the dispatch of an intermediary force to restore trust and protect the population. Some Burundians had been hostile to that measure. The Government had had to take account of that current of opinion to avoid igniting a potentially explosive situation. An Organization of African Unity (OAU) military observer force was at present in Burundi, but would probably not be able to achieve the reorganization of the army that the Government wanted. That reorganization presented many problems and, there too, the Government needed suggestions and assistance. While the army was not composed exclusively of Tutsis, Hutus nevertheless represented a tiny minority. Moreover, while some Tutsi members of the military were clearly in favour of peace, they too were obviously in a minority, otherwise the difficulties would already have been overcome. The bulk of the military was opposed to the reorganization of the army and wanted a return to the situation prevailing before the June 1993 elections.

9. Tutsis were also in the majority in the judiciary. In the circumstances, it was very difficult for the representatives of one ethnic group to conduct investigations of members of the other community as, in both cases, the findings would be disputed. That was why the authorities again wanted the international community to help by dispatching observers. The Government could also review legislation with a view to expanding the role of those observers by according them certain powers.

10. With regard to the "Kajaga" and "Kigobe" agreements, negotiations were still going on in the Burundi capital. Representatives of both presidential and opposition parties, together with various members of the community, were currently meeting in the presence of special representatives of the United Nations and Organization of African Unity Secretaries-General in an attempt to restore peace and work out a plan for equitable power-sharing. The Government was not at all pessimistic and the situation was not static. Hopefully, tangible results would be seen in the near future.

11. The individuals responsible for drafting the special report (CCPR/C/98) had not had access to the report on the survey conducted by a NGO group which had been referred to during the discussion. The Burundi authorities had received it in the meantime and would make full use of the information it contained. As they themselves had requested the survey, there was no question of them disregarding its findings. The Government of Burundi was also awaiting the report on an inquiry which it had officially requested from the United Nations. Accordingly, it would of course be bound by the findings of the report.

12. In reply to a question on government responsibility regarding the massacres and offences committed after the assassination of President Ndadaye, he said that the situation in Burundi had been very difficult at that time. A number of senior officials had been assassinated, the other members of the Government had been driven out and, in general, management of the country's administrative and political affairs had been reduced to zero. The Government had thus been compelled to resort to resistance. However, at the first opportunity, it had endeavoured to restore peace and had called for assistance from the international community in doing so.

13. The causes - whether immediate or deep-rooted - of the crisis in Burundi were of two kinds. On the one hand, there were historical causes and, on the other, causes inherent in the national situation. Included in the first category were the antagonism between the Hutu and Tutsi populations, and the fact that power was in the hands of the ethnic minority, while the Hutu majority enjoyed practically none of the rights to which it should be entitled. An attempt to democratize Burundi society had culminated in the June 1993 elections which had brought the Hutus to power. The Tutsi minority had been unhappy with that result and had staged a coup attempt in October 1993. Since then, the Government had been trying to keep the situation under control, but the main reason for the difficulties was that the transfer of power had taken place too abruptly. The transition should have been gradual. Instead, power had been virtually seized by the ethnic majority.

14. Mr. NDIKURIYO (Burundi) said that the democratization process in Burundi had been seriously hampered by the recent tragic events, but that the present Government had embarked on negotiations with all its political partners, in the framework of the "Kajaga" and "Kigobe" agreements, for example, in order to ensure that peace, justice and respect for human rights prevailed in future. In consultation with the United Nations High Commissioner for Human Rights, the Government had drawn up a special programme for the reform of the justice system, the security system and the judiciary and for the training of public officials and members of the army and police. It was to be hoped that, with technical assistance, that programme would solve the problems facing Burundi.

15. Mrs. NSHIMIRIMANA (Burundi) said that, unfortunately, even if a political solution to the conflict that was tearing Burundi apart could be found, there was no guarantee, in the present situation, that lasting peace and security could be achieved in Burundi. The international community could intervene to bring the parties to the conflict together and prevail on them to engage in open dialogue. Only someone from the outside, free of bias but with an understanding of the problems, could help to "disarm minds" and convince all Burundians that every individual had a right to life. The international community therefore had an extremely important role to play in Burundi, not simply by providing material aid, but above all by helping to reconcile all segments of Burundian society.

16. Mr. MAKENGA (Burundi) said that, in the past, the authorities had been opposed to any outsiders coming to check the situation on the spot, but the situation had changed radically, in that the present authorities had nothing to hide and encouraged anyone of goodwill to come and help them on the spot. Events in Rwanda were having very serious repercussions on the situation in Burundi. From that standpoint, it was regrettable that the international community had not been aware of the situation in Rwanda in time, for if it had acted quickly, the disaster could have been averted. That would not have been interference in the internal affairs of a State, but humanitarian intervention at the request of the Government itself.

17. The reason the Burundi rural population were trying to arm themselves as heavily as possible was that they felt threatened by population groups which had access to weapons, namely the police and the army. There again, the international community could observe the situation at first hand. Regarding the refugee question, he said that, following the seizure of power by the Rwandan Patriotic Front (FPR) in Rwanda, Rwandans who had been in Burundi had returned home and Burundians, both Hutus and Tutsis, having been driven out of Rwanda by FPR, had returned to Burundi en masse. They were thus not refugees in the strict sense, but displaced population groups who were completely destitute. Finally, the Burundi authorities were aware that the criminals who had assassinated President Ndadaye included members of the military, but there was as yet no appropriate mechanism for arresting members of the army, and the Government was experiencing great difficulty in that regard, particularly in view of the fact that some of the suspects had fled the country. However, the Government in no way condoned impunity, which was why it had asked for an investigation to be conducted under United Nations auspices so that all the facts surrounding the assassination could be brought to light.

18. The CHAIRMAN invited members of the Committee to put further questions to the Burundi delegation.

19. Mr. PRADO VALLEJO said he would like to know what the basic difference was between Hutus and Tutsis, as members of the two groups were in principle equal. If they killed one another, might the reason for the genocide be religious, political or ethnic differences, or perhaps even their education? He also wondered which of the two ethnic groups had sustained the greatest loss of life and what the composition of the army and security forces was.

20. Mrs. CHANET said that she would like further information on the special United Nations report that was apparently expected and asked whether there was any link between that report and the report of the international commission of inquiry made up of non-governmental organizations.

21. Mr. WENNERGREN, noting that Mrs. Nshimirimana had stated that it was essential to "disarm minds", asked whether in view of Burundi's Christian tradition, the Church or the Pope had been able to do anything to encourage that process.

22. Mr. SADI said that, while he sympathized with the appeal for assistance from the international community, he would like to know what the exact objective and scale of such assistance might be. Would it simply be a fact-finding mission and what purpose would it serve?

23. Mr. MAKENGA (Burundi), replying to Mr. Prado Vallejo's question, said that it was difficult to describe the difference between Hutus and Tutsis. In essence, the colonialists had established criteria which were not objective, and successive regimes had favoured the Tutsis, who held the top posts in the army, the judiciary, business and the administration, with Hutus being relegated to subordinate posts. It was thus a sociological problem exacerbated by colonization, but there was basically no difference between the two ethnic groups as far as physical appearance or religious or political affiliation were concerned. The tragic events in Burundi were attributable to the population's realization of the differences created artificially between the two ethnic groups. In the army and security forces, Tutsis still outnumbered Hutus, despite the measures taken by President Ntaryamira to introduce more egalitarian criteria. Clearly, the widening rift meant that the situation would not change in the near term. As to which of the two ethnic groups had sustained more fatalities, he said that no count had yet been made. That, too, was an area in which the international community could help the Burundi authorities to carry out impartial surveys so as to ensure that there was no falsification of the figures by either side.

24. Mrs. NSHIMIRIMANA (Burundi), replying to Mr. Wennergren's question on the role of the Church in Burundi, said that the situation was most surprising in that, although 70 per cent of the population was Christian, the Church's message of peace and tolerance had apparently gone unheard for more than 30 years. The Church was nevertheless making efforts on the ground, but those efforts were insufficient and there was an urgent need for assistance from the international community.

25. Mr. MAKENGA (Burundi), replying to Mrs. Chanet's question, said that the relevant Burundi authorities had made a special request to the Secretary-General of the United Nations for an international on-the-spot inquiry into the events which had occurred on 21 October 1993 and immediately thereafter in order to bring the facts to light and identify those responsible. Replying to Mr. Sadi's question, he said that the Government would identify areas in which the international community could be of assistance, but the priority areas were the army and the judiciary and, as far as technical assistance was concerned, a population census, as no Government had so far been willing to conduct an official census of Hutus and Tutsis.

26. The CHAIRMAN invited members of the Committee to make their concluding observations.

27. Mr. NDIAYE thanked the Burundi delegation for its candour in replying to questions by members of the Committee, even though the replies had not always been very precise, for lack of information and time. The situation in Burundi remained very disturbing, but the main thing was that the Burundi authorities were aware of the continuing problems in the country. The Burundi delegation had rightly said that what was needed was to "disarm minds", but that process could take a long time as internal conflicts, unlike international conflicts, were extremely difficult to forget and the antagonists continued to live together in the same territory. There were also reports of almost 500 dead among the refugees from Rwanda who had been stopped at the border by the Burundi army. Those reports still had to be substantiated, but were nevertheless alarming.

28. With regard to the question of arrests, while it was true that the institutions were unstable, the army and police disloyal and the authorities unable to apprehend people without further complicating a situation which was already far from straightforward, matters should nevertheless not be left as they stood and Burundi could perhaps appeal for international assistance in setting up commissions of inquiry which would include non-nationals.

29. Regarding the distinction between the two opposing ethnic groups, he said that both Tutsis and Hutus could be found within a single Burundian family, that there were progressive-minded Tutsis who favoured egalitarian cooperation with the Hutus, and moderate Hutus who did not wish to seize all power for themselves. Those were all positive factors which should be exploited. Mrs. Chanet had recalled the fundamental truth that institutions must be so conceived that, although individuals came and went, they continued to function. African presidentialism must be diluted and replaced by corporate authority. While the two ethnic groups were condemned to live together - a situation made more difficult by the fact that they did not occupy different regions of the country but were intermingled, the conflicts between them did not exist before colonization. It had not been until later that the inter-ethnic violence had begun, when the international élite and educated, who were well acquainted with human rights, had hoodwinked the population by inciting hatred, simply to gain power. It was that mania for power which must be stopped.

30. The Burundi delegation did not appear to have understood Mrs. Higgins' statement that, despite 350 years of antagonism between Blacks and Whites and

Nelson Mandela's 27-year imprisonment, the South Africans had decided to build a non-racist South Africa and were on the way to achieving that goal. They had understood that they had to live together, take account of minority views and provide for the exercise of power on the basis of the "one man, one vote" principle, without exception. Democracy assumed a majority, but also a minority, and if the minority believed that it would be subjected to abuse if the majority came to power, it would do everything it could to resist. The Burundian authorities should think about the experience of South Africa.

31. The Government of Burundi could obtain technical assistance if it made specific requests after reflecting on its needs and if it applied to the various competent bodies, such as the Centre for Human Rights and the Committee itself.

32. The Burundi delegation had spoken of a Government of national unity. While that was good, such a Government must first of all be multi-ethnic. The machinery of Government must no longer be in the hands of one ethnic group, which meant, for example, that, in the administration, retiring Tutsis would be systematically replaced by Hutus; the same would apply in the army and the police. In the case of the judicial system, judges should first be brought from abroad, as had been done in other emerging African countries. Once the situation had been properly understood, efforts should be made to change it by ensuring that both ethnic groups participated equally in running State machinery. As had been demonstrated in Rwanda, it was not enough to install a moderate Hutu president and prime minister at the head of the country, while retaining effective control of power.

33. In conclusion, he advised Burundi to introduce a proper communication policy, exclude any form of extremism and work for genuine and lasting reconciliation. The Government could ask for the current protection force to be transformed into an intervention force which, if strong enough to command the respect of the national army, could hope to restore the trust of the Burundi population and encourage them not only to relinquish their firearms, but also to cease using agricultural implements as lethal weapons.

34. Mrs. EVATT thanked the Burundian delegation for its frank report on the situation in Burundi and of the Government's unfortunate inability to implement its policies because of the resistance of a minority which held key posts in the army and judiciary and seemed to be made up of Tutsis, while the Hutus were barred from access to power and resources. On the other hand, the violations of human rights seemed to have been committed by both ethnic groups and by the army, and the Committee's main concern was obviously to prevent any recurrence of such violations and to ensure that the guilty did not go unpunished. However, one obstacle in Burundi was the population's lack of confidence in the judiciary and the army and other forces. Moreover, the army was not prepared to support the Government or the rule of law. What could be done in such conditions?

35. Mr. Ndiaye had described what he saw as solutions to that enormous problem. Burundi was asking the international community for a protection force to restore confidence in the army, but that presumed that the army chiefs were willing to cooperate in bringing about change, otherwise the intermediary force would be powerless. Faced with an army which the civil

authorities did not control and a judicial system which had lost the trust of the population, the Burundi authorities needed outside assistance, observers and even foreign judges, it had been suggested. In her view, however, what was needed above all was the conviction at the top of the Burundian judicial system that things must change and that the rule of law must be respected.

36. A number of requests had been submitted to the Committee, which would make its recommendations in due course. She agreed with the Burundian delegation that reorganization and power sharing could not be accomplished without outside help, but she was still not quite clear as to the form which such help might take. In her view, nothing would be achieved without the firm commitment and resolve of both of the opposing camps, namely, the majority which currently formed the Government and the minority which seemed actually to hold the reins of power. Those two groups must agree to change the balance of power and build a new society in which fear would give way to tolerance and the rule of law was respected. The task was enormous and the Committee would lend its support to Burundi.

37. Mr. AGUILAR URBINA associated himself with all the observations made by Mr. Ndiaye and said that the problem presented by the situation in Burundi was so complex and sensitive that it was difficult to offer concrete solutions. Firstly, there was the difference between the two main ethnic groups (of the four present in Burundi) whose conflict seemed to have no historical roots. It seemed really to be a contest for power. As the Ambassador of Burundi had said, what was needed was to disarm minds in Burundi and put an end to the militarization of society. Was it not astonishing, in the first place, that such a small country should have an army 22,000 strong?

38. In Burundi, there seemed to be a State within the State, or rather, several States within the State, including the army, the judiciary and the political parties. In the circumstances, confidence-building measures were needed first in order to empower those who were currently regarded as the weakest. The holders of power must be persuaded that, when power changed hands, the recipients would not treat their predecessors as they had been treated by them. In that respect, Mr. Ndiaye had been right to stress the importance of a proper communications policy and increased awareness of the country's problems.

39. He also associated himself with Mrs. Evatt's and Mr. Ndiaye's observations on the Burundian delegation's appeal for action by the international community. There was no doubt about the importance which the international community attached to the situation in Burundi, and even though he was unable to suggest any specific concrete measure, he was sure that international cooperation would come in due course. In conclusion, the Burundian authorities might reflect on the example of South Africa where two very different communities lived together, and on the measures taken there to build confidence between the various segments of the population.

40. Mr. EL SHAFEI began by recalling that the Committee was considering the report which Burundi had submitted following a special decision by the Committee to determine whether articles 4, 6, 7, 9, 12 and 25 of the Covenant had been violated (see CCPR/C/98). Unfortunately, the Committee's dialogue with the Burundian delegation revealed grave violations of other articles of

the Covenant as well, namely article 14 (guarantees of due process), article 17 (interference with privacy), article 18 (freedom of conscience and religion), article 19 (freedom of expression), article 21 (freedom of assembly), article 22 (freedom of association), articles 23 and 24 (protection of the family and of the child) and, in particular, article 26 (equality of all before the law). He expressed the hope that, as the Committee did not have time to consider the situation in detail, it would do so when Burundi submitted its second periodic report. He did not mention article 27, as the Burundi authorities did not recognize the existence of a minority and a majority. However, if a group of the Burundi population had suffered discrimination, the answer was to adopt positive measures in favour of the victims of such discrimination, whether they were a minority or the majority.

41. Secondly, what should be done? The Burundi delegation had said that the situation was not the same as in October 1993, that a Government was now in place and functioning, that the army was also in power and that there was a shortage of resources. The Government was endeavouring to introduce reforms but was encountering resistance from many quarters, namely, the army, the police and the judiciary. Burundi was turning to the international community for aid and assistance. The problem was how to help a country which was totally out of control. The Organization of African Unity itself apparently had done nothing to bring the factions together, unless it too had met with resistance. Might not international intervention itself be opposed by certain factions?

42. Mr. PRADO VALLEJO said that he now had a better understanding of the situation in Burundi. He strongly condemned what had happened and what was still going on, particularly the impunity enjoyed by those responsible for what was clearly genocide. In such cases, the first obligation of the State was to identify those responsible and to bring them to justice, particularly since the ringleaders were members of the armed forces and State security services. That had not been done, however.

43. It was difficult to make recommendations to the Burundi authorities, who were undoubtedly in the best position to know how to resolve the situation. He supported the idea of setting up a commission of inquiry and peace with the support of the international community in order to extend cooperation and make recommendations. If international cooperation was necessary, it should be matched, at the internal level, by vigorous resolve and action on the part of the national authorities. There must be a political will to change the structures which were at the root of the current deplorable situation to review the organization of institutions, to conduct a public education campaign in order to change attitudes and to promote mutual respect and peaceful coexistence, particularly between sectors of the population which were in fact separated by very little. The Burundi delegation itself had said that it was very difficult to explain what the differences between Hutus and Tutsis were.

44. Like the Burundi delegation, he was convinced of the need to disarm minds and bring about far-reaching changes within Burundi. That could not come from outside, but called for the combined action of all national leaders in order to make use of every means to end a situation which had caused so much death and suffering. The problem was apparently neither religious nor

political; perhaps it was a legacy of colonialism, but the differences were not great enough to prevent the ethnic groups involved from living in harmony.

45. Mr. SADI said that he appreciated the candour of the Burundi delegation and sympathized with its appeal to the international community. However, that was only one side of the problem; the other side concerned the people of Burundi themselves and what they must do to resolve the current situation. A national reconciliation conference could of course be held, but only on condition that the Burundians themselves took action by conducting a public education campaign and immediately tackling the most urgent task of reversing the trend which had led to the conflict between the two main ethnic groups. If the country's leaders had the will to advance in that direction, much could be done. He was convinced that the international community would be able to respond to Burundi's appeal, provided that Burundi itself initiated the healing process.

46. Mr. WENNERGREN thanked the delegation of Burundi for its written report (CCPR/C/98) which had provided a basis for an instructive dialogue and frankness replies that had enabled the Committee and the delegation itself to gain a clearer understanding of the problem. It was his conclusion that the root of the problem in Burundi lay in people's minds. Minds were poisoned and must be treated before anything else, even before any major reform of State structures, the army or the administration. Minds must be disarmed and pacified.

47. It might appear that that could be done in Church but, once outside the Church, individuals forgot the message of brotherly love. That message was also expressed in the Universal Declaration of Human Rights, article 1 of which stated that "all human beings are born free and equal in dignity and rights" and that "they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". It was surprising that those fundamental rights and duties were so seldom referred to, when they were the basis of development and respect for human rights throughout the world.

48. The first step should therefore be to instil the feeling of brotherhood deeply into people's minds, through secular or religious education, if human rights were not to remain an abstract concept. The confidence-building measures referred to by Mr. Aguilar Urbina could then take effect, and the population could believe in the impartiality of the authorities, which was clearly essential if any universally satisfactory solution was to be found. In conclusion, he assured the Burundi delegation that the Human Rights Committee would do everything in its power to help their country.

49. Mr. FRANCIS said that the international community had a duty to intervene in Burundi and that diplomatic action should be initiated by the United Nations, as in the case of Haiti, to guarantee respect for human rights.

50. Mrs. CHANET thanked the Burundi delegation for its frankness and noted that the international aid requested by Burundi involved mainly ideas for solutions. It was difficult, however, to find any miracle cures when power was in the hands of 14 per cent of the population and 86 per cent of the population did not accept that situation. How could the ruling minority be

persuaded to share power with the rest of the population? A United Nations commission of inquiry could of course be set up to determine responsibility for the massacres, judges could be brought in to ensure that the commission's recommendations were acted on and the ethnic balance of the army could be changed, nothing could be done without genuine political will on both sides, as was the case in South Africa, for example.

51. Mrs. HIGGINS said that the Committee had endeavoured to consider the special report of Burundi (CCPR/C/98) in the light of the current situation there.

52. The delegation had explained that the ruling minority had attempted to hand over power to the majority, but just when democracy was on the point of being introduced, the majority had staged a bloody coup. She understood the delegation when it said that negotiations would be needed to get back to the starting point, and she saw that as the only solution.

53. Regarding the delegation's assertion that all the rights referred to in the Committee's letter to the State party had been violated, she said that, in her view, there had been no violation of the provisions of article 4 of the Covenant. All members of the Committee agreed that the other rights had indeed been violated.

54. As it seemed impossible to arrest those responsible for the coup, she wondered about the means available to the United Nations and the Burundi authorities to improve the situation there. The international community could launch an investigation or help to reconcile the two parties, but the reorganization of the judiciary and the army promised to be very difficult. In that connection, she agreed with Mr. Ndiaye that the number of Hutus within the judiciary should be increased. The international community could provide technical assistance for the reorganization of the army, but such an operation could not really be conducted from outside.

55. She expressed the hope that those essential tasks could be completed without delay.

56. Mr. BRUNI CELLI said that the Burundi delegation's explanations had strengthened his conviction that racial, ethnic and tribal conflicts were a devious means of gaining power. Different cultures, ethnic groups and minorities could live together if power was exercised in the spirit of mutual respect. With the aid of the international community, the authorities must therefore endeavour to establish democratic institutions. The main aim must be to break the vicious circle of human rights violations.

57. Mr. POCAR associated himself with the observations of previous speakers. He wished to take up the Burundi delegation's request for international cooperation. He noted that the three Supreme Court judges who made up the national commission of inquiry were Tutsis, as were the members of the regional and provincial commissions that had been set up. He wondered whether the dispatch of individuals from outside in order to restore public trust, might not be less important than including Hutu representatives in the

commission of inquiry. Such a step would be evidence of the commission's impartiality and demonstrate that the appeal for outside help was not a way of bolstering the Tutsi minority.

58. Mr. BÁN said that the recent measures to remedy the situation in Burundi (pacification programme, disarming of the population, etc.) were short-term measures and that long-term measures must be taken. The ruling minority must initiate the process of national reconciliation and the country's constitutional structure must be reorganized. Burundi was obligated to guarantee observance of all the rights proclaimed in the Covenant and it was to be hoped that the country's authorities would adopt an attitude compatible with its obligations under the Covenant without delay.

59. The CHAIRMAN said that the Burundi delegation's explanations had provided members of the Committee with a clearer insight into the situation in Burundi. He expressed the hope that the numerous specific proposals made would contribute to improving the human rights situation there.

60. The case of Burundi was not unique; colonialism had created artificial rivalries in many African countries. The various ethnic groups must have the wisdom to agree to live together.

61. The Burundi authorities should study the provisions of the Covenant more closely, and it was to be hoped that the Committee would see a clear improvement when the next report was submitted.

62. Mr. MAKENGA (Burundi) pointed out that the investigation into the assassination of the President was not being conducted by three Supreme Court judges, but by members of the Prosecutions Service of the Supreme Court. That was an important distinction.

63. The members of the Burundi delegation had been very appreciative of the importance attached by the Chairman and members of the Committee to the situation in their country and of their undertaking to assist the people of Burundi in breaking the vicious circle in which they found themselves. His delegation promised to transmit the Committee's recommendations faithfully to the Government.

64. He took note of Mr. Aguilar Urbina's proposal to hold conferences on ways of assisting Burundi. That idea should be taken up and if such conferences could be held in Burundi itself, they would certainly help to solve the country's problems. He expressed the hope that his country would continue to receive the Committee's support.

65. The CHAIRMAN said that the Committee would forward its written observations on the dialogue with the delegation to the Government of Burundi.

The meeting rose at 6 p.m.